

REMARKS/ARGUMENTS

Claims 16, 17, 21-29, and 31-40 are currently pending. Applicants have amended claims 16, 17, 23-25, 27-29 and 31. Applicants have canceled claims 18-20, without prejudice, reserving the right to pursue the subject matter of such claims in a continuation application. Support for the amendments to claims 16 and 17 and new claims 33-40 can be found throughout the application, for example on page 4, line 25 through page 5, line 3 and page 8, lines 2-6. Claims 23-25, 27-29, and 31 has been amended to no longer depend from canceled claims. Thus, no issues of new matter are believed to be raised by the above amendments to the claims.

REJECTIONS UNDER 35 U. S. C. § 103

Claims 1-32 were rejected under 35 U. S. C. § 103 (a) as being unpatentable over Costanzo et al. U.S. patent 6,323,219 (the “219 patent”), WO 9930729 (“ the ‘729 patent”), and KR 9208851 (“the 851 patent”) in view of JP 63227515 (the ‘515 patent). See pages 2-3 of the Office Action. According to the Office Action, “Applicants assert that teaching of the references fail to disclose the limitations that the skin aggressions occurred as a result of chemical contact, physical contact and temperature. However, mere assertions without specific evidence is not persuasive in view of the disclosure of the references that teach that the compositions have cosmetic benefit and specifically used to treat skin disorders and sun pigmentation damage.” See Page 2 of the Office Action. Applicants respectfully request clarification on this rejection as Applicants have pointed out that the above references do not disclose, nor suggest, the treatment of external aggressions to the skin, nails, or hair by the topical application of a soy product to skin, nails or hair in need of such treatment, wherein the external aggressions result from the group consisting of environmental chemical contact and temperature. Thus, Applicants are uncertain as to what other “specific evidence” would be required.

The Office Action further asserts that “it would have been obvious tone of ordinary skill in the art at the time the invention was made to treat skin having been damaged by any of the claimed ‘external aggressions to the skin’ . . . with the references soy product since the

references teach that the compositions have cosmetic benefit and specifically used to treat skin disorders and sun pigmentation damage. “ See Page 3 of the Office Action. Applicants respectfully disagree. The Office Action fails to disclose why the treatment of one of ordinary skill in the art would read the above references and conclude that a soy product would be effective in the treatment of external aggressions resulting from environmental chemical contact and temperature (e.g., the Office Action provides no evidence as to why one skilled in the art would view that a product that treats pigmentation would be effective in treating damage from environmental chemicals such as smoke or temperature). Accordingly, Applicants respectfully request that the above rejection under 35 USC 103 be withdrawn.

Rejection Under 35 USC 112

As suggested on page 3 of the Office Action, claim 31 has been rewritten as a method claim and now depends from claim 35. Accordingly, Applicants respectfully request that this rejection under 35 USC 112 be withdrawn.

CONCLUSION

Thus, Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone William McGowan at 732-524-2197 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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